UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,471	04/13/2001	Milton Silva-Craig	15-IS-5715	7327

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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _37-52_ is/are ~~withdrawn from consideration~~. *Canceled*

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

1.   Claims 37-52 are canceled and claims 1, 15, and 25 are amended on the

amendment dated on 03/12/03.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 15 and 25 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-14 and 25-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Luzzi et al. (US. Patent No. 6,141,699).

Regarding on claim 1, Luzzi teaches a central data archiving system, said

system comprising:

a data source providing medical data (database repository 204 may be local to

the AMA probe on the client computer 106) (col. 10, lines 58-58);

a status monitor for controlling the transfer (AMA probe) of said medical data

from said data source to a centralized remote data store (col. 10, lines 32-51); and

a centralized remote data store receiving said medical data and storing said

medical data (results of the transaction in a database repository 204) (col. 10, lines 52-

57).

Although Luzzi does not explicitly teach the transferring data is the medical data.

However, Luzzi teaches, "the centralized database repository 204 for recording the

transaction records from multiple probes 201 on the network 100, is designed to be

accessible to any user of the distributed computing network 100 and would ideally

provide a front-end graphical user interface (GUI) 212" (col. 11, lines 1-5). The

examiner interprets the claimed medical record is the transaction records. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to recognize the obvious from medical data over transaction record in order to provide the service as requested.

Regarding on claim 2, Luzzi teaches status monitor verifies said transfer of said medical data from said data source to said remote data store (col. 10, lines 52-57).

Regarding on claim 3, Luzzi teaches an access authenticator for authenticating access to said remote data store by said data source (col. 11, lines 62-67).

Regarding on claim 4, Luzzi teaches access authenticator authenticates access to said data source (col. 11, lines 62-67).

Regarding on claim 5, Luzzi teaches data source further stores medical data (corresponding to transaction records) (col. 9, lines 15-20).

Regarding on claim 6, Luzzi teaches remote data store further restores said medical data to said data source (col. 10, lines 62-63).

Regarding on claim 7, Luzzi teaches remote data store stores a copy of said medical data (col. 10, lines 62-63).

Regarding on claim 8, Luzzi teaches a second data source for storing medical data, wherein said remote data store transfer said medical data to said second data source (other server 104c) (col. 9, lines 15-20).

Regarding on claim 9, Luzzi teaches remote data store comprises an application service provider (col. 10, lines 52-55).

Regarding on claim 10, Luzzi teaches remote data store is stored at a plurality of locations (other server computer 104c) (col. 9, lines 15-20).

Regarding on claim 11, Luzzi teaches status monitor controls the transfer of data from said data source to said remote data store at a definable interval (col. 11, lines 62-67).

Regarding on claim 12, Luzzi teaches definable interval comprises a timed interval (schedule times) (col. 13, lines 9-11).

Regarding on claim 13, Luzzi teaches definable interval comprises an event-based interval (schedule) (col. 13, lines 11-14).

Regarding on claim 14, Luzzi teaches definable interval comprises a manual interval (col. 13, lines 13-14).

Regarding on claim 25, Luzzi teaches a method for remotely archiving medical data, said method comprising:

transferring said medical data from a data source to a centralized remote data store (col. 18, lines 4-47); and

storing said medical data at said centralized remote data store (col. 10, lines 55-57).

Luzzi does not explicitly teach medical data as claimed; however, Luzzi teaches the transaction records (col. 11, lines 1-5). The examiner is equated transaction records are medical records. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to recognize the obvious from medical data and transaction record in order to provide the service as requested.

Regarding on claim 26, Luzzi teaches the step of obtaining said medical data (col. 9, lines 60-65).

Regarding on claim 27, Luzzi teaches the step of storing (record) said medical

data at said data source (col. 15, lines 37-40).

Regarding on claim 28, Luzzi teaches storing step further comprises storing said

medical data at said remote data store in a directory corresponding to said data source

(col. 18, lines 55-60).

Regarding on claim 29, Luzzi teaches transferring step further comprises

verifying said transfer of medical data from said remote data store to said data source

(col. 10, lines 62-63).

Regarding on claim 30, Luzzi teaches the step of authenticating access to said

remote data store (col. 11, lines 62-67).

Regarding on claim 31, Luzzi teaches transferring step occurs after a definable

interval (col. 13, lines 1-5).

Regarding on claim 32, Luzzi teaches definable interval comprises a timed

interval (schedule times) (col. 13, lines 9-11).

Regarding on claim 33, Luzzi teaches definable interval comprises an event-

based interval (schedule) (col. 13, lines 11-14).

Regarding on claim 34, Luzzi teaches definable interval comprises a manual interval (col. 13, lines 13-14).

Regarding on claim 35, Luzzi teaches the step of restoring said medical data to said data source from said remote data store (col. 16, lines 1-3).

Regarding on claim 36, Luzzi teaches the step of copying said medical data from said remote data source to a second data source (col. 16, lines 1-5).

4.   Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Luzzi et al. (US. Patent No. 6,141,699) in view of Bessette (US. Patent No.

6,263,330).

Regarding on claim 15, Luzzi teaches a system remotely accessing a centralized

data store, said system comprising:

A centralized remote data store storing medical data (remote data repository

204) (col. 10, lines 62-63);

A status monitor for controlling the transfer of said medical data from said

centralized remote data store to a data source (col. 10, lines 32-51); and

A data source receiving said medical data and storing said medical data (col. 19,

lines 47-49.

Although, Luzzi does not explicitly teach data is the medical data. However,

Bessette teaches, "at step 410 the doctor sits down at workstation 304 and logs on the

server 300...when prompted, the doctors uses the identifier obtained at either step 406

or step 408 in order to request the patient's NDSMR from database 302 to the doctor'

work station" (col. 7, lines 52-56). This teaches the data transferring to the doctor

station is the medical data. Therefore, it would have been obvious to one ordinary skill

in the art at the time of the invention was made to modify the teaching of Bessette into

Luzzi utilizing the medical data as taught in Bessette to provide the information

transferring system to allow the user access the retrieve the medical data.

Regarding on claim 16, Luzzi teaches comprising a second data source data source storing medical data (other server 104c) (col. 9, lines 15-20).

Regarding on claim 17, Luzzi teaches status monitor controls the transfer of said copy of said medical data between said remote data store and said second data source (col. 10, lines 32-51).

Regarding on claim 18, Luzzi teaches status monitor verifies the transfer of said copy of said medical data between said remote data store and said second data source (col. 10, lines 30-40).

Regarding on claim 19, Luzzi teaches an access authenticator for authenticating access to said remote data store (col. 11, lines 62-67).

Regarding on claim 20, Luzzi teaches status monitor verifies said transfer of said medical data between said first data source and said remote data source (col. 10, lines 30-40).

Regarding on claim 21, Luzzi teaches said remote data store comprises an application service provider (col. 9, lines 55-59).

Regarding on claim 22, Luzzi teaches remote data store is stored at a plurality of

locations (other server 104c) (col. 9, lines 15-20).

Regarding on claim 23, Luzzi teaches remote data store restores said medical

data at said data source (col. 14, lines 1-3).

Regarding on claim 24, Luzzi teaches remote data store comprises at least one

directory corresponding to said first data source (col. 17, lines 50-60).

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238   [After Final Communication}]
- (703) 746-7239   [Official Communication]
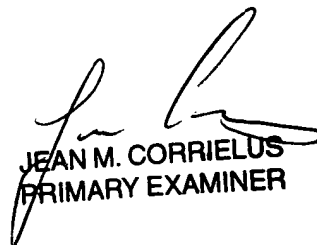- (703) 746-7240.   [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

JEAN M. CORRIELUS
PRIMARY EXAMINER

Baoquoc N. To
May 15, 2003